

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 8th day of Nov. 2001.

CORAM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. NO. 295 of 1994.

1. Prem Sagar s/o Late Lajpat Rai, Senior Supervisor,
S.B.C.O., Dehradun. Applicant

Counsel for applicant : Sri Arun Tandon.

Versus

1. Union of India through Secretary, Posts & Telegraphs
Department, New Delhi.

2. Chief Post Master General, Uttar Pradesh, Lucknow.

3. Assistant Post Master General (Staff), Lucknow.

.... Respondents.

Counsel for respondents : Sri G.R. Gupta.

ORDER (ORAL)

By Hon. Mr. S. Dayal, A.M.

This application has been filed for directing the respondents to consider the case of the applicant for promotion/regularisation in HSG-II cadre w.e.f. 4.8.84 and 23.6.86 respectively, and to issue necessary certificates as required vide circular of Director General dated 4.4.60. A further direction is sought to grant all the consequential benefits including difference of pay etc. by treating him to have been promoted in the HSG-II w.e.f. 11.8.84, and regularise the applicant in HSG w.e.f. 23.6.86, the date on which the persons junior to the applicant have been conferred the said benefit. A further direction is sought to determine the seniority of the applicant on the basis of promotion and regularisation in the said cadre on 11.8.84 and 23.6.86 respectively. The applicant also seeks proforma officiating promotion to the next higher grade which is higher selection grade-I in the cadre.

2. The case of the applicant is that he was promoted

as UDC by Saving Bank Control Organisation w.e.f. 20.7.70. He qualified in the higher grade examination conducted by Post and Telegraph department and was promoted in the lower selection grade on 15.10.81. The applicant was sent on deputation to the Army Postal Services w.e.f. 28.6.73 and continued to work in the Army Postal Services upto 31.5.89. He claims the benefit of letter dated 4.4.60 of Director General of Post and Telegraph in appointment claiming promotion when due in his parent organisation. He also claims that he should have been given certificate under next below rule and given benefit of rule. The applicant claims that such certificate was given for promotion to all the applicants in lower selection grade. The applicant claims that he was senior to Guruphekan Ram, Nasiruddin and R.R. Vishwakarma. He claims that he was due for promotion to the HSG after revision of seniority list of members of LSG and the applicant was given promotion to higher selection grade by order dated 11.9.84. The respondent did not forward the necessary certificate to Army Postal Services, and, therefore, the applicant was not given the benefit of the promotion by the borrowing organisation. It is claimed that the applicant's complete service records were not available and, therefore, his case for promotion could not be considered. He claims that he should have been regularised w.e.f. 23.6.86 when his juniors were regularised. The applicant claims that the respondents have offered ad-hoc promotion in 1987 whereas he already stood promoted in the order of year 1984. The applicant claims to have made several application but no action has been taken by the respondents. The applicant was promoted to higher grade by order dated 24.9.91. The applicant claims that he made a detailed representation on 24.6.93 which is still pending under consideration of the respondents.

3. We heard the arguments of Sri R.M. Saggi, B.H. of Sri Arun Tandon for applicant and Sri G.R. Gupta, Counsel for respondents.

4. The Counsel for the applicant contended that the applicant was not given promotion on 11.8.84 on account of not forwarding the necessary certificate pertaining to promotion of the applicant to higher grade w.e.f. 11.8.84 ¹ and not ~~sent~~ ¹ to ~~service~~ Record Keeper. He has also stated that regularisation of the applicant was not done in 1986 for want of necessary record. Therefore, the applicant incurred financial loss. The applicant claims that he should have been given promotion from the date his juniors were granted the said promotion and in this connection he has mentioned the names of Sri Guruphekan Ram, Nasiruddin and R.R. Vishwakarma.

5. We find that the applicant has not been able to establish his seniority. The respondents have stated that Sri Guruphekan Ram, Nasiruddin and R.R. Vishwakarma were not junior to the applicant. They have stated that these three officials were senior to the applicant in lower selection grade. They have also mentioned that no junior was promoted to the cadre vide memo dated 11.9.84. They have also mentioned that the applicant was given promotion to the cadre on seniority basis vide memo dated 23.6.86 but he declined the promotion till he was released from the Army Postal Services. The applicant declined promotion vide letter dated 8.11.87 and declaration dated 11.12.87 to higher selection grade II till his release from Army Postal Services.

6. We find from the averments made in the counter reply that the applicant was required to take promotion in the parent organisation but he ~~was~~ declined to take the same and opted for continuing on deputation. The applicant has failed to establish that officials junior to him were promoted. The applicant was rightly granted promotion when he returned from deputation.

7. The relief claimed by the applicant in view of the above reasons cannot be allowed. The O.A. is dismissed. There will be no order as to cost.

Asthana/

J.M.

A.M.